

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE**

Bryan Brown

v.

Civil No. 09-cv-139-SM

State of New Hampshire

**O R D E R**

Petitioner has filed a motion to stay proceedings or for an extension of time, but as of this date has not filed a petition for writ of habeas corpus. Until a petition is filed, there is nothing to "stay." It is clear that a substantial part of the one year statute to file expired by the time of the March 31<sup>st</sup> filing in the Strafford County Superior Court, and that absent a stay, there is a risk that petitioner could miss the deadline after the Supreme Court rules.

The time to file the petition is extended sixty days and the action is and will remain stayed until petitioner's Supreme Court appeal is determined. Petitioner should file his Supreme Court appeal and specifically raise the federal nature of his claims in that court. He is also directed to file a petition in this case

identifying the federal claims he is making. As indicated, that petition will then be stayed here. At least every 90 days, petitioner is ordered to advise this court of the status of his Supreme Court case. He is also to notify this court of the Supreme Court decision.

**SO ORDERED.**

  
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James R. Muirhead  
United States Magistrate Judge

Date: May 28, 2009

cc: Bryan Brown, *pro se*